

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

OLD CANTON ROAD APARTMENTS, LTD

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20-cv-797-DPJ-FKB

TOPVALCO, INC.;
THE KROGER CO.; and
JOHN DOES 1-10

DEFENDANTS

ORDER

This matter is before the Court on the Motion to Compel Non-Party City of Jackson, Mississippi [124] filed by Defendants The Kroger Co. and Topvalco, Inc. Certificates of Service indicate that Terry S. Williamson, Esq., of the Office of the City Attorney for the City of Jackson (“the City”) was provided a copy of the motion [124] and supporting memorandum [125]. The City filed no response to the motion, and Plaintiff does not oppose the motion. Having considered the matter, the Court finds that Defendants’ motion [124] should be granted.

On February 22, 2022, Defendants served a subpoena on the City demanding the production of documents to defense counsel on March 4, 2022. *See* [124-1] and [124-2]. Defendants allege that despite serving the subpoena and following the subpoena with a good faith email [124-3] to the City’s counsel, the City has not complied with the subpoena and has not raised any objections to the subpoena.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendants’ Motion to Compel [124] is hereby granted. IT IS FURTHER ORDERED that by July 15, 2022, the City of Jackson must comply with the subpoena or show cause to the Court, in writing, why the City should not be held in contempt for failure to comply. The undersigned’s staff shall send a copy of this order to the City’s counsel at the post office box and email addresses indicated in the Certificate of Service for the instant motion. *See* [124] at 4.

SO ORDERED, this the 23rd day of June, 2022.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE